



Appeal Decision

Site visit made on 20 January 2009

by **Colin Tyrrell MA(Oxon) CEng MICE FIHT**

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
2 February 2009

Appeal Ref: APP/Q1445/H/08/2086183 **35 South Road, Brighton BN1 6SB**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
- The appeal is made by Ms Stephanie Prior against the decision of Brighton & Hove City Council.
- The application Ref BH2008/01207, dated 5 March 2008, was refused by notice dated 5 August 2008.
- The advertisements proposed are double fronted shop signs over windows to replace existing.

Decision

1. I dismiss the appeal.

Procedural Matters

2. The appellant's description of the proposed advertisements is as shown in the heading above. They are already in place and consist of a two-part continuous fascia sign with one section of width 10.17m approximately parallel to South Road and a second abutting section 4.57m wide set at a slight angle as the road starts to turn the corner into Millers Road. From most angles it is seen as a single run of signage. I therefore refer to it below as "the fascia sign".
3. The appellant's appeal statement advises in paragraph 4.4 that the original signs of the same size which were erected in 1999 did not need express advertisement consent, but that as a result of the 2007 Regulations new signs exceeding 0.3m² in area now do need such consent. It seems to me that un-illuminated fascia signs above shop windows come into the Class 5 category of Schedule 3 of the Regulations, rather than Class 2 where the limit is 0.3m². I have, however, determined the appeal against a refusal for an application for express consent on the basis of the information before me.

Main Issue

4. In my opinion the main issue is the visual impact of the fascia sign on the character and appearance of the area.

Reasons

5. The appeal site is an estate-agent's office in the end house in a terrace of 18 Edwardian-style houses. Although there is an animal hospital opposite and a commercial shop-front close by on the corner of Robertson Road and The Drove, the signage for these is discreet and low-key. No other commercial use

is apparent in the immediate area, which is almost entirely residential in character.

6. Because of the road layout, there is a slight kink in plan in the end elevation of the house which accommodates the estate-agent's office. This end elevation, which fronts onto the steeply descending road, forms the frontage of the office at lower-ground-floor level.
7. The sign above the estate-agent's windows, although in two parts, extends over a continuous width of 14.74m, articulated slightly at the point where the frontage kinks. It encompasses not only the two display windows but also the door, two areas of tiling, and two large display panels which include details of the estate-agent's services. This fascia sign, which is already in place, is made of shiny acrylic plastic and consists of black lettering set into bright yellow patches onto a bright red background. It oversails the depth of the building above and is in the same style and colours as the display panels below.
8. In my opinion, the fascia sign forms a garish, over-sized, and incongruous element on the end elevation of the attractive terrace of period houses. Although it may have replaced another sign of exactly the same overall dimensions, I can see from the photograph provided that the earlier sign, whilst of the same overall width, was at least broken down into three distinct sections and only used one bright colour. I am not persuaded that the history of the earlier sign in any way mitigates the detrimental impact which the appeal proposal has on the character and appearance of the area.
9. For these reasons, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Colin Tyrrell

INSPECTOR